

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROCMAN L. SANDERS

v.

WARDEN SEAN MARLER, ET AL.

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CIVIL ACTION NO. 18-5477

ORDER

This 31st day of January, 2022, for the reasons provided in the accompanying memorandum, Defendants' Motion to Dismiss (ECF 62) shall be considered in the context of summary judgment to determine whether Plaintiff has exhausted his administrative remedies in accordance with the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a). It is **ORDERED** that:

1. The Court is placing the parties on notice that it will consider exhaustion in its role as fact-finder;
2. Within 14 days from the date of this Order, Defendants shall supplement their brief to further address whether Plaintiff has exhausted his administrative remedies and present any other relevant materials that are not currently before the Court, including copies of all of Petitioner's grievances and administrative remedy requests, as well as any responses;
3. Within 21 days from the date that Defendants file any amended or supplemental materials, Petitioner may file a brief in opposition, addressing the issue of exhaustion, and submitting any materials and documents pertinent to this issue.

/s/ Gerald Austin McHugh
United States District Judge